

Notice of Allowability

Application No.

10/555,585

Examiner

Rodney B. White

Applicant(s)

NYLANDER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 07/25/2007.
2. ☒ The allowed claim(s) is/are 1-6, 8-9, 7, and 10-20, renumbered 1-20, respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Claims:

1. (CURRENTLY AMENDED) A patient chair comprising:
 - a chassis comprising a frame,
 - a seating device intended for the patient and connected to the chassis,
 - a driving device ~~for moving~~ that moves the seating device relative to the frame along a course of curved movement in the vertical direction between a lower and an upper position, wherein in the upper position, the seating device, and a patient sitting in the seating device, are inclined backwards relative to the lower position,
 - a stand which belongs to the chassis and extends upwards from the frame,
 - an element which is connected to the stand and which is continuously arched,
 - and
 - means positioned on the stand and the seating device ~~for guiding~~ that guides the seating device along the element in the movement of the seating device between the

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lower and upper positions, so that the seating device is continuously gradually tilted in the course of its curved movement in the vertical direction.

6. (CURRENTLY AMENDED) A patient chair according to claim 1, wherein the driving device is a manual, ~~for instance a hand-operated winch~~.

7. (CURRENTLY AMENDED) A patient chair according to claim 1, wherein the driving device is ~~a machine, for instance~~ an electric motor or a hydraulic assembly.

10. (PREVIOUSLY PRESENTED) A patient chair according to claim 1, wherein the ~~cooperating~~ guide means comprise a roller bearing arrangement.

11. (PREVIOUSLY PRESENTED) A patient chair according to claim 1, wherein at least one plate-shaped calf rest with a calf rest pad is mounted on the patient chair, and wherein the calf rest is arranged by means of a joint arrangement to be pivotable between an inactive end position where the extent of the calf rest pad is essentially parallel to one side of the patient chair and the calf rest pad is located close to the patient chair, and an active end position, where the calf rest pad is capable of supporting the ~~patient's~~ patient's leg when extended, away from the patient chair.

17. (CURRENTLY AMENDED) A patient chair including:
- a. a frame defining a chair base, the frame bearing wheels whereby the patient chair is transportable on the base;
 - b. a seat intended for the patient,
 - e. a stand extending upwardly with respect to the frame, the stand being situated behind the seat;
 - d. a bearing engaged between the seat and the stand, wherein the bearing engages at least one of the seat and the stand to allow movement of the seat with respect to the stand, with such movement being between:
 - (1) a lower seat position wherein the seat is oriented at least substantially horizontally, and
 - (2) an upper seat position above the lower position, wherein the seat is inclined ~~downwardly~~ upwardly as it extends ~~toward~~ away from the stand.

The following is an examiner's statement of reasons for the Examiner's Amendment: The current Examiner's Amendment was done to correct potential 112/2nd problems that existed in the claims and some that were not objected to previously. For example, In claim 1, line 13, "the course of its the curved movement" lacked antecedent basis, an error in the claim that was missed before. So, it seemed proper to add the language "along a course of curved movement" earlier in the claim so that "its curved movement" had proper antecedent basis. In claims 6-7, the phrases "for instance" were

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also improper claim language that was properly objected to in the previous office action. Remember, the phrases "for example" and "such as" render any claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). The phrase "for instance" is no different. So the phrase "for instance" has been removed from the claims. The "cooperating means" in claim 10 has been replaced with - - guide means - - since in Applicant removed the language "cooperating with each other and" from claim 1, thus changing it to a "means positioned on the stand and the seating device for guiding the seating device along the element". As a result, "the cooperating means" in claim 10 lacked antecedent basis since it no longer existed in claim 1. In claim 11, line 6, "patient s" was corrected to add the apostrophe so that it now reads - - patient's - -. Claim 17 was amended to make it clearer because the phrase ""inclined downwardly as it extends toward the stand" was unclear and confusing.

The following is an examiner's statement of reasons for the Examiner's Amendment: While Slettebo (U.S. Patent No. 5,951,105) teaches a structure similar to the present invention, it does not teach that the seating device moves along a course of curved movement and the seat in the Slettebo is always at a substantially horizontal position in the lower and upper positions, never being inclined in either position. Komura et al (U.S. Patent No. 6,783,179 B2) teaches a structure very similar to the present invention as well, however, the seat is inclined forward or frontward in the upper position relative to the lower position (See Figures 1, 4-6, and 14 and the specification).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Rodney B. White,

Patent examiner

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July 27, 2007



Handwritten signature of Rodney B. White in cursive script.

RODNEY B. WHITE
PRIMARY EXAMINER